



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,602	04/02/2004	William G. Barrus	BOC9-2003-0104 (1082-25U)	9699
7590 10/17/2007 Steven M. Greenberg, Esquire Christopher & Weisberg, P.A. Suite 2040 200 East Las Olas Boulevard Fort Lauderdale, FL 33301			EXAMINER MIRZADEGAN, SAEED S	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/816,602

Applicant(s)

BARRUS ET AL.

Examiner

Saeed S. Mirzadegan

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/02/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 04/02/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Insofar as best understood, the claims are rejected over prior art as follows. For the sake of applying the closest prior art below, the "cooperative spam control processor comprises programming" is being interpreted as meaning "processor capable of executing instructions contained in a program". If the applicant agrees with this interpretation they are invited to amend the claims to positively recite, "processor capable of executing instructions contained in a program" or if the applicant disagrees, the applicant should present an alternate interpretation with clear arguments.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Judge (Judge) US. Patent No. 7096498.

5. Regarding Claim 1, Judge discloses a plurality of e-mail clients communicatively linked to one another (see e.g. (Fig. 2, 130) workstations on a network running email software); and, a plurality of cooperative spam control processors, each of said processor coupled to a corresponding one of said e-mail clients (see e.g. Fig. 3), wherein said cooperative spam control processors comprises programming for detecting spam and for notifying others of said cooperative spam control processors of said spam (see e.g. col. 7, lines 19-20).

6. Regarding Claim 2, Judge discloses a plurality of peer policies, each of said policies coupled to a corresponding one of said spam control processors (see e.g. col. 19, lines 66-67 & col. 20, lines 1-3).

7. Regarding Claim 3, Judge discloses a centrally managed peer policy coupled to a mail server associated with each of said e-mail clients and communicatively linked to said spam control processors (see e.g. col. 7, lines 35-40).

8. Regarding Claim 4, Judge discloses a group administrator for said e-mail clients, said group administrator having authority to establish an agreement to exchange spam

notifications with other groups of e-mail clients having respective cooperative spam control processors (see e.g. col. 19, lines 13-16).

9. Regarding Claim 5, Judge discloses accepting an electronic spam notification (see e.g. col. 31, lines 6-9) received from a peer e-mail recipient in a common computing group identifying a spam message received by said peer e-mail recipient (see e.g. col. 12, lines 57-59); storing said notification (see e.g. col. 7, lines 31-40); and, if an e-mail is subsequently received which corresponds to said identified spam message, processing said received e-mail as spam (see e.g. col. 17, lines 32-41).

10. Regarding Claim 6, Judge discloses determining that a received e-mail is spam (see. e.g. col. 15, lines 64-67); and, communicating an electronic spam notification identifying said received e-mail determined to be spam to other peer e-mail recipients in said common computing group (see e.g. col. 6, lines 44-48)

11. Regarding Claim 7, Judge discloses consulting a peer policy for said peer e-mail recipient comprising rules for handling e-mail identified as spam by said peer e-mail recipient (see e.g. col. 12, lines 47-48); heeding said notification if said rules indicate that notifications from said peer e-mail recipient are to be heeded; and, ignoring said notification if said rules indicate that notifications from said peer e-mail recipient are to be ignored (see. e.g. col. 12, lines 47-48).

Art Unit: 2144

12. Regarding Claim 8, Judge discloses overriding said notification where said e-mail message meets criteria established in said policy for overriding a spam notification (see e.g. col. 19, lines 66-67 & col. 20, lines 1-3).

13. Regarding Claim 9, Judge discloses consulting step comprises the step of consulting an internally managed local peer policy (see e.g. col. 19, lines 66-67 & col. 20, lines 1-3).

14. Regarding Claim 10, Judge discloses consulting step comprises the step of consulting a centrally managed remote peer policy (see e.g. col. 16, lines 1-4)

15. Regarding Claim 11, the limitations of claim 11 have already been addressed above.

16. Claim 12, lists all the same elements of claim 5, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 5 applies equally as well to claim 12.

17. Claim 13, lists all the same elements of claim 6, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 6 applies equally as well to claim 13.

Art Unit: 2144

18. Claim 14, lists all the same elements of claim 7, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 7 applies equally as well to claim 14.

19. Claim 15, lists all the same elements of claim 8, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 8 applies equally as well to claim 15.

20. Claim 16, lists all the same elements of claim 9, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 9 applies equally as well to claim 16.

21. Claim 17, lists all the same elements of claim 10, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 10 applies equally as well to claim 17.

22. Claim 18, lists all the same elements of claim 11, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 11 applies equally as well to claim 18.

Art Unit: 2144

***Conclusion***

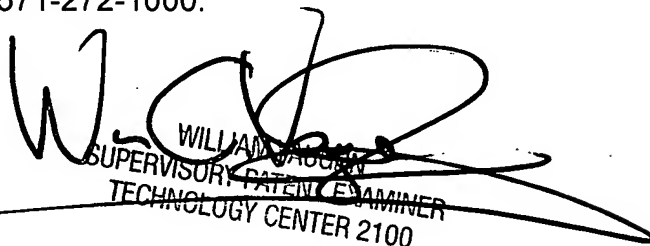
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed S. Mirzadegan whose telephone number is 571-270-3044. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SM

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100